

Jeffrey I. Hasson
Attorney at Law
Davenport & Hasson, LLP
12707 NE. Halsey Street
Portland, OR 97230
Phone: (503) 255-5352
Facsimile No.: (503) 255-6124
E-Mail: hasson@dhlaw.biz
Washington State Bar No. 23741
Attorney for Defendant Washington Collectors Tri-Cities, Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JANET STULL,

Plaintiff,

vs.

WASHINGTON COLLECTORS TRI-
CITIES, INC.,

Defendant.

Case No.: CV-09-5104-EFS

ANSWER, AFFIRMATIVE DEFENSES
AND COUNTERCLAIM OF
DEFENDANT WASHINGTON
COLLECTORS TRI-CITIES, INC.

COMES NOW Washington Collectors Tri-Cities, Inc. (WC), without waiving
any objections, rights, and defenses relating to jurisdiction and process, hereby
answers Plaintiff's complaint as follows:

I. ANSWER

1.1. WC admits this is an action for damages and remedies against defendant

ANSWER, AFFIRMATIVE DEFENSES AND
COUNTERCLAIM OF DEFENDANT WASHINGTON
COLLECTORS TRI-CITIES, INC. - 1

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1 pursuant to the named statutes, and denies liability, and denies the remaining
2 allegations contained in Paragraph 1 of Plaintiff's Complaint.

3 1.2. WC admits this Court has jurisdiction over claims under the Fair Debt
4 Collection Practices Act, 15 USC § 1692 et seq. (FDCPA), but denies liability under
5 the same, and, by that reason there is no subject matter jurisdiction, and therefore
6 denies the remaining allegations contained in Paragraph 2 of Plaintiff's Complaint.

7 1.3. WC admits plaintiff resides within the jurisdiction of this Court, and
8 that venue is proper in this District, and denies the remaining allegations contained in
9 Paragraph 3 of Plaintiff's Complaint.

10 1.4. WC admits Plaintiff is a debtor as defined by RCW § 19.16.100(11),
11 and lacks sufficient information to determine the truth or falsity of the remaining
12 allegations in Paragraph 4 of Plaintiff's Complaint, and therefore denies the same.

13 1.5. WC admits WC was a company engaged, by use of the mails and
14 telephone, in the business of attempting to collect a debt, but lacks sufficient
15 information to determine the truth or falsity of the remaining allegations in Paragraph
16 5 of Plaintiff's Complaint, and therefore denies the same.

17 1.6. WC admits the allegations contained in Paragraph 6 of Plaintiff's
18 Complaint.

19 1.7. WC admits contacting Plaintiff, and denies the remaining allegations
20 contained in Paragraph 7 of Plaintiff's Complaint.

21 1.8. WC denies allegations contained in Paragraph 8 of Plaintiff's
22 Complaint.

1 1.9. WC denies allegations contained in Paragraph 9 of Plaintiff's
2 Complaint.

3 1.10. WC admits and denies the allegations made in Paragraph 10 of
4 Plaintiff's Complaint as set forth in Paragraphs 1.1 through 1.9 above.

5 1.11. WC admits and denies the allegations made in Paragraph 11 of
6 Plaintiff's Complaint as set forth in Paragraphs 1.1 through 1.10 above.

7 1.12. WC admits and denies the allegations made in Paragraph 12 of
8 Plaintiff's Complaint as set forth in Paragraphs 1.1 through 1.11 above.

9 1.13. Except as so admitted, WC denies each and every allegation in
10 Plaintiff's Complaint.

11 II. AFFIRMATIVE DEFENSES

12 Having answered Plaintiff's complaint, WC alleges the following affirmative
13 defenses.

14 2.1. **Failure to State Claims.**

15 2.2. **Failure to Join Real Party in Interest.**

16 2.3. **Lack of Subject Matter Jurisdiction.**

17 2.4. **Lack of Pendant Jurisdiction.**

18 2.5. **Bonafide Error.**

19 III. COUNTERCLAIM

20 3.1 **Attorney Fees.** Upon information and belief, Plaintiff's complaint was
21 commenced in bad faith and for the purpose of harassment. As a result, Defendant is
22 entitled to its reasonable attorney fees.

IV. PRAYER

Wherefore having fully answered Plaintiff's complaint, having interposed affirmative defenses, WC pray for the following relief:

4.1. Dismissal of the Action with prejudice, and with costs and attorney fees to WC.

4.2. For such other and further relief as may be provided by law.

Dated January 26, 2010.

DAVENPORT & HASSON, LLP

s/ Jeffrey I. Hasson

WSBA No. 23741

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Fax: (503) 255-6124

E-Mail: hasson@dhlaw.biz

Attorney for WC